

REMARKS

In the Final Office Action¹, the Examiner rejected claims 8-10 and 13 under 35 U.S.C. § 102(e) as being anticipated by Matsuzaki et al. (U.S. Patent No. 6,289,314) ("*Matsuzaki*"), and rejected claims 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over *Matsuzaki*.

Applicants respectfully traverse the rejection of claims 8-10 and 13 under 35 U.S.C. § 102(e) as anticipated by *Matsuzaki*. In order to properly establish that *Matsuzaki* anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites a combination including, for example:

at least one information processing apparatus...
a control apparatus...and
a master information processing apparatus...including...
a first transmitter to transmit appropriate proxy account settlement information to said at least one information processing apparatus;
a first receiver to receive said accounting information from said at least one information processing apparatus sent in response to said proxy account settlement information,

(emphasis added). The Examiner states that the claimed at least one information processing apparatus corresponds to terminal 3 in *Matsuzaki*, both the

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

control apparatus and master information processing apparatus correspond to server 2, and the first transmitter corresponds to the discount information storing portion 254 (Office Action at page 3). The Examiner alleges that the discount information storing portion 254 transmits information that is output "TO SECOND CHARGE MANAGING PORTION 223", thus teaching the claimed first transmitter to transmit appropriate proxy account settlement information to said at least one information processing apparatus (Office Action at page 3). Applicants' respectfully disagree.

According to *Matsuzaki*, discount information storing portion 254 "stores the aggregate number of the terminals which request the same program" (col. 15, lines 62-64). Then, "the coefficient of charge calculating portion 255 extracts a discount rate corresponding to the held aggregate number from the discount information storing portion 254" (col. 17, line 67 - col. 18, line 3). Finally, the coefficient of charge calculating portion 255 "outputs the calculated coefficient of charge '1.5' and the title 'P' to the second charge managing portion 223" (col. 18, lines 8-10).

The second charge managing portion 223 is located within the sever 2 (Fig. 2). Transmission from the discount information storing portion 254 through the coefficient of charge calculating portion 255 is output to the server 2, which the Examiner identified as corresponding to the control apparatus (Office Action at page 3). There is no transmission from the discount information storing portion 254 to the information processing apparatus. Therefore, *Matsuzaki* does not teach "a first transmitter to transmit appropriate proxy account settlement information to said at least one information processing apparatus", as recited in claim 8.

Further, even assuming that transmission can occur from the master information processing apparatus to the information processing apparatus, *Matsuzaki* does not teach “a first receiver to receive said accounting information from said at least one information processing apparatus sent in response to said proxy account settlement information”, as also recited in claim 8. The Examiner cites terminal information setting portion 251 and terminal information storing portion 252 as teaching a first receiver that receives information from server I/F 24 that is sent in response to said proxy account settlement information (Office Action at page 3). Applicants’ respectfully disagree.

Matsuzaki discloses “[w]hen an initialization command generated by terminal 3 is inputted through the server I/F 24, the terminal information setting portion 251 assigns a terminal encryption key and a coefficient of basic charge to the terminal 3” (col. 15, lines 20-24). Then, the terminal information setting portion 251 “transmits a key assignment command ... to the terminal 3 which generated the above initialization command through the server I/F 24” (col. 15, lines 34-37).

The terminal 3 generates a command that is received by the terminal information setting portion 251, which then transmits a command back to terminal 3. Terminal 3 initializes communication with the terminal information setting portion 251. Therefore, it does not transmit information, received by the terminal information setting portion 251, in response to proxy account settlement information that is transmitted from a first transmitter. Thus, *Matsuzaki* does not teach “a first receiver to receive said accounting information from said at least one information processing apparatus sent in response to said proxy account settlement information”, as recited in claim 8.

In addition, claim 8 requires “a second receiver to receive registration conditions from said control apparatus.” The Examiner states that the control apparatus in *Matsuzaki* is the server 2 (Office Action at page 3). However, the second receiver, characterized by the Examiner as referring to ref. 211, 221, 222, 223 of Fig. 2, receives “CONTRACT INFO” from the transmitting station (Office Action at page 4). As shown in Fig. 2, however, the transmitting station TS is separate from the control apparatus (server 2). Any information received by ref. 211, 221, 222, 223 of Fig. 2 is received from the transmitting station, not the control apparatus. Therefore, *Matsuzaki* does not teach “a second receiver to receive registration conditions from said control apparatus”.

Accordingly, *Matsuzaki* cannot anticipate claim 8, and claim 8 is allowable. Claims 9-12 are also allowable at least due to their depending from claim 8. Independent claim 13, while of different scope, recites limitations similar to those of claim 8 and is thus allowable over *Matsuzaki* for at least the same reasons discussed above in regard to claim 8.


In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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